

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

JESSE WATKINS, et al.,

Plaintiffs,

v.

GARY M. LANIGAN, et al.,

Defendants.

Civil Action No. 19-59 (MAS) (LHG)

ORDER

Plaintiffs Jesse Watkins and Clint Walker, prisoners housed at New Jersey State Prison, seek to bring this civil action, asserting claims pursuant to 42 U.S.C. § 1983. (Compl., ECF No. 1.) Plaintiffs have neither prepaid the filing fee as required by 28 U.S.C. § 1914, nor has each Plaintiff submitted an independent application to proceed *in forma pauperis*, as required by 28 U.S.C. § 1915(a). *See Parker v. Moran*, No. 14-1741, 2014 WL 4930796, at *1 (D.N.J. Oct. 2, 2014) (“[w]here more than one prisoner seeks to join in a complaint against a government official or entity, the plaintiffs may prepay a single \$400.00 filing fee or seek [independent] *in forma pauperis* status.”) (citing *Hagan v. Rogers*, 570 F.3d 146, 150 (3d Cir. 2009)).

IT IS therefore on this 29th day of March, 2019,

ORDERED that the Clerk of the Court shall **ADMINISTRATIVELY TERMINATE** this case; Plaintiffs are informed that administrative termination is not a “dismissal” for purposes of the statute of limitations. *See Papotto v. Hartford Life & Acc. Ins. Co.*, 731 F.3d 265, 275 (3d Cir. 2013) (distinguishing administrative terminations from dismissals); *Jenkins v. Superintendent of Laurel Highlands*, 705 F.3d 80, 84 n.2 (3d Cir. 2013) (describing prisoner mailbox rule

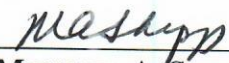
generally); *Dasilva v. Sheriff's Dept.*, 413 F. App'x 498, 502 (3rd Cir. 2011) (per curiam) (“[The] statute of limitations is met when a [motion] is submitted to the clerk before the statute runs[.]”);

ORDERED that the Clerk shall send **both** Plaintiffs the form entitled Affidavit of Poverty and Account Certification (Civil Rights)(DNJ ProSe 007 A(Rev. 5/13)) to be used by Plaintiffs in any future application to proceed *in forma pauperis*;

ORDERED that if Plaintiffs wish to reopen this case, they shall so notify the Court, in writing, within 45 days of the date of entry of this Order; Plaintiffs' writing shall include either (1) a complete, signed *in forma pauperis* application for **both** Plaintiffs, including a certified six-month prison account statement for each Plaintiff, or (2) the \$400 fee including the \$350 filing fee plus the \$50 administrative fee;

ORDERED that upon receipt of a writing from Plaintiffs stating that they wish to reopen this case, and either the completed *in forma pauperis* applications or payment of the filing and administrative fees within the time allotted by this Court, the Clerk of the Court will be directed to reopen this case; and it is further

ORDERED that the Clerk shall serve a copy of this Order upon Plaintiffs by regular mail.



MICHAEL A. SHIPP
UNITED STATES DISTRICT JUDGE